

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

UNITED STATES OF AMERICA,

v.

Criminal Action No. 3:21cr42

KEITH RODNEY MOORE,
Defendant.

ORDER

This matter comes before the Court on the defendant Keith Rodney Moore's motion to dismiss the indictment and the government's motions to exclude Moore's experts, Dr. Eli Coston and Dr. Marvin Chiles. (ECF Nos. 32, 66, 70, 82.) The Court held a hearing on the motions on July 18 and 19, 2022. For the reasons stated from the bench, the Court FINDS that Moore's expert disclosure for Dr. Chiles does not comply with Federal Rule of Criminal Procedure 16. The Court thus SETS the following deadlines:

1. Moore SHALL file a Rule 16-compliant summary on or before **Monday, August 8, 2022**. The summary must provide sufficient detail to allow the government to respond.
2. The Court GIVES LEAVE for the government to file a supplemental *Daubert* motion challenging Dr. Chiles's testimony **on or before Monday, August 22, 2022**. Moore SHALL file any response to the supplemental motion **on or before Tuesday, September 6, 2022**. The government SHALL file any reply to the supplemental motion **on or before Friday, September 9, 2022**.
3. The government SHALL file a document designating any rebuttal expert, or explaining that it does not intend to designate a rebuttal expert, **on or before Monday, August 22, 2022**. Moore SHALL file any *Daubert* motion challenging the government's rebuttal expert's testimony **on or before Tuesday, September 6, 2022**. The government SHALL file

any response to the motion **on or before Tuesday, September 20, 2022**. Moore SHALL file any reply to the motion **on or before Friday, September 23, 2022**.

4. The parties SHALL contact Chambers on or before **Tuesday, August 23, 2022**, to schedule a *Daubert* hearing on Dr. Chiles's testimony and any *Daubert* motion to be filed by the defendant.

The Court DEFERS DISPOSITION of Moore's motion to dismiss the indictment and the government's motions to exclude. The Court will rule on the motions after the *Daubert* hearing on Dr. Chiles's testimony.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 19 July 2022
Richmond, VA

/s/ John A. Gibney, Jr.
Senior United States District Judge